

**REMARKS**

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and the following remarks.

In the July 25, 2003 Office Action, the Examiner noted that claims 1-3, 5-8, 11, 12, 20-29, 31, 32, 36 and 37 were rejected, and that 4, 9, 13-15, 19, 30 and 33-35 were objected to. By this Amendment, claims 1, 4, 6, 9, 14, 30 and 33 are amended, claims 5, 7-8, 15, 20-29, 31-32 and 36-37 are cancelled, and new claims 38-39 are added. No new matter has been added by this Amendment. Support for the amendments to the claims can be found at paragraph [0024] of Applicants' specification and in Applicants' originally presented claims. Newly-presented claims 38 and 39 are substantially similar to objected to claims 4 and 9. Applicants believe that claims 1-4, 6, 9, 11-14, 19, 30, 33-35 and 38-39 are in condition for allowance. The Examiner's rejections are respectfully traversed below.

**Objection to the Disclosure**

In the Office Action, the Examiner objected to the disclosure because of the following alleged informalities: "In claim 22, line 7, 'the hydrogen-storage tank' lacks proper antecedent basis;" and "In claim 37, line 4, 'powdered' is misspelled."

Applicants have cancelled claims 22 and 37. Withdrawal of the Examiner's objection is respectfully requested.

**Rejection Under 35 U.S.C. §103(a) – Fetcenko et al. in view of either Sandrock et al. or Imai et al.**

In the Office Action, the Examiner rejected claims 1-3, 5, 8, 11, 12, 20-26, 29, 31, 32, 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Fetcenko et al. (U.S. Patent No.

4,893,756) in view of either Sandrock et al. (U.S. Patent No. 4,839,085) or Imai et al. (U.S. Patent No. 6,247,660).

The present invention comprises a method comprising the steps of disposing a substantially solid block of hydrogen-absorbing alloy within an activation vessel; introducing hydrogen gas into the activation vessel under conditions that will cause the hydrogen-absorbing alloy to absorb hydrogen and crack or break apart, thereby forming a substantially powdered hydrogen-absorbing alloy; connecting the activation vessel to a hydrogen storage tank via a valve disposed on the activation vessel; transferring the substantially powdered hydrogen-absorbing alloy from the activation vessel to the hydrogen storage tank via the valve without substantially exposing the powdered hydrogen-absorbing alloy to oxygen; and transferring the valve from the activation vessel to the hydrogen storage tank when the powdered hydrogen-absorbing alloy is transferred to the hydrogen storage tank from the activation vessel. See claims 1, 2-3 and 11-12.

Fetcenko et al. discloses a process which includes introducing ingots of hydrogen storage alloy material into a vessel and comminuting this material into particles by introducing hydrogen gas into the vessel. *Col. 9, ln. 54 – col. 10, ln. 38.* The particles are then transferred to a storage drum. *Col. 11, lns. 53-59.* However, Fetcenko et al. does not teach or disclose that a valve originally on the vessel and which aids in the transfer of the particles, is transferred from the vessel to the storage drum when the particles are transferred.

Sandrock et al. discloses a method of manufacturing high-zirconium getters that involves hydrogen pulverization of an entire alloy ingot or ingot pieces. *Abstract.* Imai et al. discloses a process and a case for hydrogen-pulverizing a rare earth metal-based magnetic material for producing an alloy powder for a permanent magnet. *Col. 1, lns. 8-11.*

However, neither Sandrock et al. nor Imai et al. make up for the deficiencies of Fetcenko et al. Accordingly, because Fetcenko et al. in view of Sandrock et al. or Imai et al does not render obvious independent claim 1 (or dependent claims 2-3 and 11-12), withdrawal of this rejection is respectfully requested.

**Rejection Under 35 U.S.C. §103(a) – Fetcenko et al. in view of either Sandrock et al. or Imai et al. and further in view of Leland**

In the Office Action, the Examiner rejected claims 6, 7, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over Fetcenko et al. (U.S. Patent No. 4,893,756) in view of either Sandrock et al. (U.S. Patent No. 4,839,085) or Imai et al. (U.S. Patent No. 6,247,660), and further in view of Leland (U.S. Patent No. 4,925,486).

The present invention comprises a method comprising the steps of disposing a substantially solid block of hydrogen-absorbing alloy within an activation vessel; introducing hydrogen gas into the activation vessel under conditions that will cause the hydrogen-absorbing alloy to absorb hydrogen and crack or break apart, thereby forming a substantially powdered hydrogen-absorbing alloy; connecting the activation vessel to a hydrogen storage tank via a ball valve disposed on the activation vessel; transferring the substantially powdered hydrogen-absorbing alloy from the activation vessel to the hydrogen storage tank via the ball valve without substantially exposing the powdered hydrogen-absorbing alloy to oxygen, and transferring the ball valve from the activation vessel to the hydrogen storage tank when the powdered hydrogen-absorbing alloy is transferred to the hydrogen storage tank from the activation vessel. *See claim 6.*

As stated above, Fetcenko et al. discloses a process which includes introducing ingots of hydrogen storage alloy material into a vessel and comminuting this material into particles by introducing hydrogen gas into the vessel. *Col. 9. ln. 54 – col. 10, ln. 38.* The particles are then

transferred to a storage drum. *Col. 11, lns. 53-59.* Also as stated above, Sandrock et al. discloses a method of manufacturing high-zirconium getters that involves hydrogen pulverization of an entire alloy ingot or ingot pieces. *Abstract.* Imai et al. discloses a process and a case for hydrogen-pulverizing a rare earth metal-based magnetic material for producing an alloy powder for a permanent magnet. *Col. 1, lns. 8-11.* However, neither Fetcenko et al., Sandrock et al. nor Imai et al. teaches or discloses that a ball valve originally on the vessel and which aids in the transfer of the particles, is transferred from the vessel to the storage drum when the particles are transferred.

Leland discloses a process for producing crushed zirconium sponge having particle configurations which enhance its compactability. *Col. 2, lns. 15-41.* However, Leland does not make up for the deficiencies of Fetcenko et al. in view of Sandrock et al. or Imai et al.. Thus, Fetcenko et al. in view of either Sandrock et al. or Imai et al. and further in view of Leland does not render obvious claim 6.

Accordingly, withdrawal of the Examiner's rejection is respectfully requested.

### CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance and that action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 5000-4964.

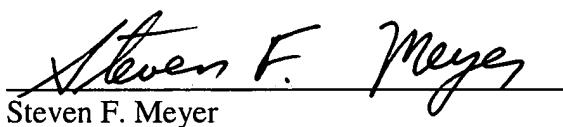
In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition

for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5000-4964.

Respectfully submitted,  
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